

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LABORERS' PENSION FUND et al.,)	
)	
Plaintiffs,)	Case No. 08 C 4506
v.)	
)	Judge MANNING
INGLESIDE EXCAVATING, INC.,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT IN SUM CERTAIN

NOW COME Plaintiffs, Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity, and James S. Jorgensen, (collectively "Plaintiffs" or the "Funds"), by and through their attorney, Amy Carollo, and hereby move for Entry of Judgment in Sum Certain against Defendant Ingleside Excavating Inc., (the "Defendant") on Counts I and II of Plaintiffs' First Amended Complaint. In support of this Motion, the Funds state:

1. The Funds filed their Complaint on August 8, 2008 seeking to compel the Defendant to submit benefits reports and contributions for the period of May 2008 forward; to submit union dues reports and dues for the period of May 2008 forward; to submit payment of delinquent contributions and dues owed as revealed by an audit for the time period of September 10, 2007 through March 31, 2008; and to compel the Defendant to obtain and maintain a bond.

2. This Court entered an Order of Default on Counts I and II of the Complaint on October 7, 2008 against the Defendant, requiring it to submit current reports and contributions and dues for the period of May 2008 forward and to obtain and

maintain a surety bond. This Court retained jurisdiction to enter judgment in sum certain against the Company upon submission of the reports. This Court also entered judgment in sum certain in favor of the Plaintiffs against the Defendants on Counts III and IV of the Complaint.

3. Pursuant to Section 502(g)(2) of the Employee Retirement Income Security Act ("ERISA"), as amended, 29 U.S.C. § 1132(g)(2), Section 301 of the Labor Management Relations Act ("LMRA"), as amended, 29 U.S.C. §185, the Agreement, and the Funds' respective Agreements and Declarations of Trust, the Funds are entitled to judgment in the amount of \$1,487.50 in attorneys' fees and costs against the Defendant on Counts I and II as set forth in the Declaration of Amy Carollo, filed contemporaneously herewith and attached hereto as Exhibit A.

WHEREFORE, Plaintiffs respectfully request that judgment in the amount of \$1,487.50 in attorneys' fees and costs be entered in Plaintiffs' favor and against Defendant Ingleside Excavating Inc., on Counts I and II of the Funds' First Amended Complaint.

February 6, 2009

Respectfully submitted,

Laborers' Pension Fund, et al.

By: /s/ Amy Carollo

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